

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR RASHAD POUNCY,

Petitioner,

Case No. 13-cv-14695
Hon. Matthew F. Leitman

v.

CARMEN D. PALMER,

Respondent.

ORDER ON STATUS CONFERENCE

On March 28, 2017, the Court held an on-the-record status conference to discuss next steps in this habeas action. For the reasons discussed on the record, the Court has determined that the most efficient and appropriate way to proceed is to await a ruling from the United States Supreme Court on the petition for certiorari that Petitioner Omar Pouncy (“Pouncy”) intends to file. The Court will convene a telephonic status conference in mid-September on a date to be set by the Court to review the status of the cert petition and to discuss if it is appropriate at that time for the Court to resume consideration of Pouncy’s remaining claims. The Court further **DENIES WITHOUT PREJUDICE** Pouncy’s pending motions related to his waiver-of-counsel claims. (*See* ECF ## 126, 127, and 129.) The Court will consider the issues presented in those motions when and if necessary following a decision from the Supreme Court on Pouncy’s cert petition.

In addition, as the Court directed on the record, the parties shall jointly prepare and submit to the Court a document that:

1. Identifies all of Pouncy's remaining claims in this action; and
2. With respect to each remaining claim, answers the following questions and identifies the following information:
 - a. At what ECF docket number(s) and ECF page identification number(s) did Pouncy raise and address the claim in this Court?
 - b. At what ECF docket number(s) and ECF page identification number(s) did Respondent address the claim in this Court?
 - c. Is the claim subject to a procedural default?
 - d. If Pouncy has argued in this Court that the procedural default should be excused, at what ECF docket number(s) and ECF page identification number(s) has Pouncy raised this argument?
 - e. Did the state courts rule on the merits of the claim?
 - f. If the state courts ruled on the merits of the claim, at what ECF docket number(s) and ECF page identification number(s) is the merits ruling of the state courts?
 - g. Does the AEDPA standard of review apply to the claim?
 - h. If Pouncy has argued in this Court that the AEDPA standard of review does not apply to the claim, at what ECF docket number(s) and ECF page identification number(s) has Pouncy raised this argument?
3. If Pouncy is unable, through the exercise of reasonable diligence, to provide ECF page identification numbers, he may instead provide an ECF

docket number and the precise internal page numbers of each document identified.

4. The parties may file this required document up to forty-five days after Pouncy files his cert petition with the Supreme Court.

IT IS SO ORDERED.

Dated: March 29, 2017

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 29, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113